

REMARKS

Applicant thanks the Examiner for her reconsideration of this application and for her willingness to make time for the March 28 interview with applicant's attorney. The Examiner agreed in the interview that applicant was first in the art to make such deletions, and that the invention encompasses patentable subject matter, although the precise scope of the patentable subject matter was not agreed upon. The Examiner did agree that the claims would be allowable if limited to deletions of at least the size shown to yield the reported results. In order to expedite prosecution, applicant's attorney agreed to so limit the claims with the understanding that applicant may pursue claims of broader scope in a continuing application. The claims as amended above reflect applicant's understanding of the claims which the Examiner would consider allowable.

Also, as discussed in the interview, applicant wishes to deposit a sample of the CHO cells described in Example 4(B) so that they will be available to the public upon issuance of the subject patent. A sample of those cells, which are referred to in applicant's laboratory as LA 3-5 CHO cells, had been maintained in applicant's freezer since the time of their production, prior to filing the subject application. Stocks thereof were cultured and deposited with the ATCC under accession No. CRL 10101. Declarations are attached attesting to the nature of the cells and their deposit with ATCC and the fact that they were in fact on hand as of the filing date of this application. Finally, the specification has been amended simply to insert the ATCC number in the appropriate location on page 23 (and to correct a typographical error at the very bottom of page 22 which just came to our attention).

63

88  
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JJ Toole - Response  
USSN 010,085  
page -4-

In view of the above, applicants respectfully request that each of the former grounds for rejection be reconsidered and withdrawn, and the pending claims as amended be allowed. If further discussion of these or other issues would be helpful, the Examiner is invited to call the undersigned attorney at the number below.

No fee is believed due in connection with filing this Response. If any fee should be due, authorization is hereby given to charge the amount of any such fee to Deposit Account 07-1060.

Respectfully submitted,

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89

64

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